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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/558,096	12/04/2006	Michael Engel	095309.57061US	3413

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EXAMINER

STEVENS, THOMAS H

ART UNIT	PAPER NUMBER
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2121

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/558,096	Applicant(s) ENGEL ET AL.	
	Examiner THOMAS H. STEVENS	Art Unit 2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6 and 8-17 is/are rejected.
- 7) ☒ Claim(s) 2,7 and 18-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/23/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-20 were examined.

Information Disclosure Statement

2. The information disclosure statement filed 11/23/2005 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Drawings

3. The drawings, dated 12/04/2006, are objected to because the phrase "replacement" is not annotated on each sheet. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as

either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The abstract of the disclosure is objected to because it's not in the proper format i.e., 50-150 words. Correction is required. See MPEP § 608.01(b).

Claim Objections

5. The examiner has provided a number of claim deficiency examples; however, the list of deficiencies may not be inclusive. Applicants are requested to view and initiate all corrections listed below as well as others.

- Claims 4,9,10, acronym TSID is not spelled out.
- Claim 7, line 4, "the selection"; suggestion: " a selection".
- Claim 11, line 3, "the particular technical system"; suggestion: " a particular technical system".
- Claim 11, lines 3-4, "the required additional model-specific data (i.e., database, figure 4, element 63)"; suggestion: "a required additional model-specific data (i.e., database, figure 4, element 63)".
- Claim 14, line 2, "the data (i.e., database, figure 4, element 63) communication"; suggestion: "a data (i.e., database, figure 4, element 63) communication".

- Claims 18 and 19, line 3, “the user”; suggestion: “a user”.
- Claim 19, line 3, “the selection”; suggestion: “a selection”.

All claims have been treated on their merits.

6. Claims 2, 7, 18-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 1, 4, and 9-10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Unclear what the term TSID stands for or its definition.

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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10. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

11. Claim 1 recites the limitation "the basis" in line 6. There is insufficient antecedent basis for this limitation in the claim.

12. Claim 5 recites the limitation "the model series" in line 3. There is insufficient antecedent basis for this limitation in the claim.

13. Claim 6 recites the limitation "the progress display" in line 3. There is insufficient antecedent basis for this limitation in the claim.

14. Claim 14 recites the limitation "the status" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

17. Claims 1,3-6, 8-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lowrey et al. (US Patent 7,228,211; hereafter Lowrey). Lowrey teaches telematic devices with an interface for multiple peripheral devices. Lowrey doesn't teach converts the initial data packet into an XML structure and saves it as an XML data file on the basis of a converter configuration, a data completion unit that analyzes the data of the XML data file and reads out additional data by request from the technical system to be diagnosed after setting a manual request and saves it in the XML data file after conversion by means of a completion unit configuration. It would have been obvious to one of ordinary skill in the art to convert XML text language into a user interface (using KSR, see rationale to this limitation in claim 1 below).

Claim 1. Man-machine interface (MMI) for a diagnostic system (figure 7, element 42a)for diagnosing a technical system (e.g., of a technical system i.e., automobile particulars, figure 6, element 131)with a knowledge base and a diagnostic program that supplies a preliminary diagnostic result(e.g., of a technical system i.e., automobile particulars, figure 6, element 131) in the form of an initial data (i.e., database, figure 4, element 63) packet (part of TCP/IP integral to the Internet; column 4, lines 38-44)comprising: a data (i.e., database, figure 4, element 63) converter, which converts the initial data (i.e., database, figure 4, element 63) packet (part of TCP/IP integral to the Internet; column 4, lines 38-44)into an XML (Disclosure of XML, column 11, lines 18-25)structure and saves it as an XML (Disclosure of XML, column 11, lines 18-

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25)data (i.e., database, figure 4, element 63) file on the basis of a converter (using KSA in regard to this limitation since it would have yielded the end result of the user interface from the XML code) configuration, a data (i.e., database, figure 4, element 63) completion unit that analyzes the data (i.e., database, figure 4, element 63) of the XML (Disclosure of XML, column 11, lines 18-25)data (i.e., database, figure 4, element 63) file and reads out additional data (i.e., database, figure 4, element 63) by request from the technical system (e.g., of a technical system i.e., automobile particulars, figure 6, element 131)to be diagnosed (figure 7, element 42a) after setting a manual request and saves it in the XML (Disclosure of XML, column 11, lines 18-25)data (i.e., database, figure 4, element 63) file after conversion by means of a completion unit configuration, (using KSA in regard to this limitation since it would have yielded the end result of the user interface from the XML code) and a visualization of the XML (Disclosure of XML, column 11, lines 18-25)elements saved in the XML (Disclosure of XML, column 11, lines 18-25)data (i.e., database, figure 4, element 63) file in the form of an inactive user surface.

Claim 3. Man-machine interface as claimed in claim 1, wherein the visualization is performed by using an Internet browser (column 11, lines 18-25).

Claim 4. Man-machine interface as claimed in claim 1, wherein the initial data (i.e., database, figure 4, element 63) packet (part of TCP/IP integral to the Internet; column 4,

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lines 38-44)is comprised of at least one digital vehicle identification number (the prior art states data management for automobile dealership to which it's well known that VIN numbers are used to accurately determine ownership, column 2, lines 53-56)(VIN), an error case identifier (TSID) and a digital time stamp.

Claim 5. Man-machine interface as claimed in claim 1, wherein the completion unit configuration contains a logic unit configured for the model series of the particular technical system (e.g., of a technical system i.e., automobile particulars, figure 6, element 131)to be diagnosed (figure 7, element 42a), by means of which the required additional model-specific data (i.e., database, figure 4, element 63) is determined dynamically on the basis of the data (i.e., database, figure 4, element 63) already available and is read out of the technical system (e.g., of a technical system i.e., automobile particulars, figure 6, element 131)on request and stored after being converted into the XML (Disclosure of XML, column 11, lines 18-25)data (i.e., database, figure 4, element 63) file.

Claim 6. Man-machine interface as claimed in claim 1, wherein the progress display (e.g., figure 8)for the status of the data (i.e., database, figure 4, element 63) communication with the technical system (e.g., of a technical system i.e., automobile particulars, figure 6, element 131)to be diagnosed (figure 7, element 42a) is also included.

Claim 8. Man-machine interface as claimed in claim 2, wherein the visualization is performed by using an Internet browser (e.g., website, column 3, lines 42-47).

Claim 9. Man-machine interface as claimed in claim 2, wherein the initial data (i.e., database, figure 4, element 63) packet (part of TCP/IP integral to the Internet; column 4, lines 38-44) is comprised of at least one digital vehicle identification number (the prior art states data management for automobile dealership to which it's well known that VIN numbers are used to accurately determine ownership, column 2, lines 53-56)(VIN), an error case identifier (TSID) and a digital time stamp.

Claim 10. Man-machine interface as claimed in claim 3, wherein the initial data (i.e., database, figure 4, element 63) packet (part of TCP/IP integral to the Internet; column 4, lines 38-44) is comprised of at least one digital vehicle identification number (the prior art states data management for automobile dealership to which it's well known that VIN numbers are used to accurately determine ownership, column 2, lines 53-56)(VIN), an error case identifier (TSID) and a digital time stamp.

Claim 11. Man-machine interface as claimed in claim 2, wherein the completion unit configuration contains a logic unit configured for the model series of the particular technical system (e.g., of a technical system i.e., automobile particulars, figure 6, element 131) to be diagnosed (figure 7, element 42a), by means of which the required

additional model-specific data (i.e., database, figure 4, element 63) is determined dynamically on the basis of the data (i.e., database, figure 4, element 63) already available and is read out of the technical system (e.g., of a technical system i.e., automobile particulars, figure 6, element 131) on request and stored after being converted into the XML (Disclosure of XML, column 11, lines 18-25) data (i.e., database, figure 4, element 63) file.

Claim 12. Man-machine interface as claimed in claim 3, wherein the completion unit configuration contains a logic unit configured for the model series of the particular technical system (e.g., of a technical system i.e., automobile particulars, figure 6, element 131) to be diagnosed (figure 7, element 42a), by means of which the required additional model-specific data (i.e., database, figure 4, element 63) is determined dynamically on the basis of the data (i.e., database, figure 4, element 63) already available and is read out of the technical system (e.g., of a technical system i.e., automobile particulars, figure 6, element 131) on request and stored after being converted into the XML (Disclosure of XML, column 11, lines 18-25) data (i.e., database, figure 4, element 63) file.

Claim 13. Man-machine interface as claimed in claim 4, wherein the completion unit configuration contains a logic unit configured for the model series of the particular technical system (e.g., of a technical system i.e., automobile particulars, figure 6, element 131) to be diagnosed (figure 7, element 42a), by means of which the required

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additional model-specific data (i.e., database, figure 4, element 63) is determined dynamically on the basis of the data (i.e., database, figure 4, element 63) already available and is read out of the technical system (e.g., of a technical system i.e., automobile particulars, figure 6, element 131) on request and stored after being converted into the XML (Disclosure of XML, column 11, lines 18-25) data (i.e., database, figure 4, element 63) file.

Claim 14. Man-machine interface as claimed in claim 2, wherein the progress display (e.g., figure 8) for the status of the data (i.e., database, figure 4, element 63) communication with the technical system (e.g., of a technical system i.e., automobile particulars, figure 6, element 131) to be diagnosed (figure 7, element 42a) is also included.

Claim 15. Man-machine interface as claimed in claim 3, wherein the progress display (e.g., figure 8) for the status of the data (i.e., database, figure 4, element 63) communication with the technical system (e.g., of a technical system i.e., automobile particulars, figure 6, element 131) to be diagnosed (figure 7, element 42a) is also included.

Claim 16. Man-machine interface as claimed in claim 4, wherein the progress display (e.g., figure 8) for the status of the data (i.e., database, figure 4, element 63) communication with the technical system (e.g., of a technical system i.e., automobile

particulars, figure 6, element 131) to be diagnosed (figure 7, element 42a) is also included.

Claim 17. Man-machine interface as claimed in claim 5, wherein the progress display (e.g., figure 8) for the status of the data (i.e., database, figure 4, element 63) communication with the technical system (e.g., of a technical system i.e., automobile particulars, figure 6, element 131) to be diagnosed (figure 7, element 42a) is also included.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure:

US Patent 6,842,762 discloses a method for documentation of data for a vehicle.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mr. Tom Stevens whose telephone number is 571-272-3715.

If attempts to reach the examiner by telephone are unsuccessful, please contact examiner's supervisor Mr. Albert Decady (571-272-3819). The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

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applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.. Answers to questions regarding access to the Private PAIR system, contact the Electronic Business Center (EBC) (toll-free (866-217-9197)).

/Albert Decady/
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